


ANALYSIS

This ordinance adds Chapter 22.74 to Title 22 - Planning and Zoning of the Los Angeles County Code to establish a law enforcement facilities mitigation fee in the unincorporated Santa Clarita, Newhall, and Gorman areas of north Los Angeles County. The fee will be imposed upon new development projects to finance law enforcement facilities necessary to accommodate new development in those areas. Separate fees will be established within each of the three law enforcement facilities fee zones.

RAYMOND G. FORTNER, JR.
County Counsel

By



TRACY SWANN
Deputy County Counsel
Property Division

TS:gjh

11/06/07 (requested)

4/28/08 (revised)

ORDINANCE NO. 2008-0033

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code, to establish a law enforcement facilities mitigation fee for new residential, commercial, office, and industrial development in the unincorporated Santa Clarita, Newhall, and Gorman areas of north Los Angeles County.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Based on the "Santa Clarita-North Los Angeles County Law Enforcement Facilities Fee Study, October 29, 2007," on file with the executive office of the board of supervisors of the county of Los Angeles, the board of supervisors find as follows:

A. Future residential, commercial, office, and industrial development within the unincorporated Santa Clarita, Newhall, and Gorman areas of north Los Angeles County will result in law enforcement facilities requirements in excess of existing capacity and that the County of Los Angeles General Plan requires such development impacts to be mitigated;

B. Without the revenue this ordinance will generate, existing and future sources of revenue will be inadequate to fund the facilities needed to provide acceptable law enforcement service levels in the identified areas;

C. The law enforcement facilities mitigation fee is a fair and equitable method of distributing the cost of law enforcement facilities among new developments which will generate the increased needs; and

D. The adoption of this ordinance complies with the requirements of the Mitigation Fee Act, Government Code section 66000, et seq.

SECTION 2. Chapter 22.74 is hereby added to read as follows:

Chapter 22.74

LAW ENFORCEMENT FACILITIES FEE

SECTIONS:

22.74.010	Purpose.
22.74.020	Definitions.
22.74.030	Establishment of law enforcement facilities mitigation fee.
22.74.040	Annual review of fee.
22.74.050	Applicability.
22.74.060	Time of payment of fee.
22.74.070	Exemptions from fee.
22.74.080	Deposit and use of fees collected.
22.74.090	Consideration in lieu of fee.
22.74.100	Reimbursement.
22.74.110	Alternative method.

22.74.010 Purpose.

The purpose of this chapter is:

A. To implement goals and policies of the County of Los Angeles General Plan with respect to the unincorporated urban expansion areas of Santa Clarita, Newhall, and Gorman, which goals and policies promote an equitable distribution of the

costs and benefits of governmental actions; promote a distribution of population consistent with service system capacity and resource availability; seek to maintain a balance between increased intensity of development and the capacity of needed public facilities; and give priority to upgrading existing public facilities in areas lacking adequate facilities;

B. To mitigate adverse impacts due to the inadequacy of law enforcement facilities that might otherwise occur due to new development; and

C. To comply with the procedures for adoption of developer fees contained in the Mitigation Fee Act, Government Code section 66000, et seq.

22.74.020 Definitions.

As used in this chapter:

A. "Appropriated" means authorization by the board of supervisors to make expenditures and incur obligations for specific purposes.

B. "Capital improvement plan" means a plan indicating the approximate location, size, time of availability, and estimates of cost for law enforcement facilities to be financed with law enforcement facilities mitigation fees. A capital improvement plan shall be adopted and annually updated by the board of supervisors in accordance with Government Code section 66002.

C. "Commercial" means retail, education, hotels/motels, places of religious worship, and other similar buildings.

D. "Industrial" means manufacturing, warehousing, and similar industrial buildings.

E. "Law enforcement facilities" means law enforcement improvements and amenities, the need for which is directly or indirectly generated by a residential, commercial, office, and/or industrial development project, including but not limited to acquiring, through purchase, lease, lease-purchase, installment purchase, or otherwise; improving, constructing, altering, repairing, augmenting, equipping, and furnishing real property, buildings and other structures, equipment, and materials for law enforcement purposes; and all other auxiliary work which may be required to carry out that work, such as administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring such projects, indirect costs, and other incidental expenses of providing those law enforcement facilities, or all or any combination thereof.

F. "Law enforcement facilities fee zone" means one of the three law enforcement facility fee zones, for the unincorporated Santa Clarita, Newhall, and Gorman areas, the boundaries of which are depicted in the "Santa Clarita-North Los Angeles County Law Enforcement Facilities Fee Study, October 29, 2007," on file in the executive office of the board of supervisors of the county of Los Angeles, each of which includes areas which are within the service area of the county of Los Angeles Sheriff's Department. The law enforcement facilities fee zones are:

Zone 1: Santa Clarita zone;

Zone 2: Newhall zone; and

Zone 3: Gorman zone.

G. "Mitigation fee" means a monetary exaction other than a tax or special assessment that is collected under the terms of this chapter to provide funds for law enforcement facilities related to a residential, commercial, office, and/or industrial development project.

H. "Multi-family" means attached single-family dwellings, multiple unit apartment buildings, condominiums, and similar multi-family residential buildings.

I. "New development project(s)" means any activity which requires approval by the county resulting in the issuance of grading, building, plumbing, mechanical or electrical permits, or certificates of occupancy to construct or change the use of a building, or property for residential, commercial, office, and/or industrial use.

J. "Office" means general, professional, or medical office building developments.

K. "Single-family" means detached one-family dwelling units, duplexes, condominiums, townhomes, and similar residential uses.

22.74.030 Establishment of law enforcement facilities mitigation fee.

A. There is hereby established a law enforcement facilities mitigation fee. The amount of the fee to be imposed on a new residential, commercial, office, and/or industrial development project is based upon the findings and conclusions set forth in the "Santa Clarita-North Los Angeles County Law Enforcement Facilities Fee Study, October 29, 2007," and shall not exceed the estimated reasonable cost of providing law enforcement facilities for such residential, commercial, office, and/or industrial

development projects.

B. The law enforcement facilities mitigation fee shall be a uniform fee within each law enforcement facilities fee zone based on the estimated cost of providing the projected law enforcement facility needs in each such zone, as follows:

Zone 1:	Santa Clarita zone	
	per single-family dwelling unit	\$467.00
	per multi-family dwelling unit	\$337.00
	per 1,000-square-foot commercial unit	\$ 69.00
	or, per square-foot of commercial space	\$ 0.07
	per 1,000-square-foot office unit	\$ 87.00
	or, per square-foot of office space	\$ 0.09
	per 1,000-square-foot industrial unit	\$ 35.00
	or, per square-foot of industrial space	\$ 0.03
Zone 2:	Newhall zone	
	per single-family dwelling unit	\$863.00
	per multi-family dwelling unit	\$652.00
	per 1,000-square-foot commercial unit	\$129.00
	or, per square-foot of commercial space	\$ 0.13
	per 1,000-square-foot office unit	\$161.00
	or, per square-foot of office space	\$ 0.16
	per 1,000-square-foot industrial unit	\$ 64.00
	or, per square-foot of industrial space	\$ 0.06

Zone 3:	Gorman zone	
	per single-family dwelling unit	\$1,285.00
	per multi-family dwelling unit	\$ 971.00
	per 1,000-square-foot commercial unit	\$ 192.00
	or, per square-foot of commercial space	\$ 0.19
	per 1,000-square-foot office unit	\$ 240.00
	or, per square-foot of office space	\$ 0.24
	per 1,000-square-foot industrial unit	\$ 96.00
	or, per square-foot of industrial space	\$ 0.10

22.74.040 Annual review of fee.

A. The amount of the fees established by Section 22.74.030 shall be reviewed annually by the county sheriff, in consultation with the county auditor-controller. On July 1st of each year, the fee in each law enforcement facilities fee zone shall be adjusted as follows: Calculate the percentage movement between April 1st of the previous year and March 31st of the current year in the Engineering Record-News Building Construction Cost Index-Los Angeles (ENR-BCCI), adjust the fee in each law enforcement facilities fee zone by said percentage amount and round to the nearest dollar. No adjustment shall result in a fee that is greater than the amount necessary to recover the cost of providing the applicable law enforcement facilities.

B. If it is determined that the reasonable amount necessary to recover the cost of providing the law enforcement facilities exceeds the fee as adjusted by subsection A, above, the county sheriff shall present an alternative fee proposal to the board of supervisors for consideration. Such alternative fee proposal may reflect changes in the actual cost of completed law enforcement facilities projects or, if such projects have not been completed, then the estimated cost of the proposed law enforcement facilities. The proposal may also reflect changes in the law enforcement facilities proposed as well as the availability or lack of other funds with which to provide such facilities.

C. The county sheriff may also present an alternative fee proposal to the board of supervisors for approval as may be necessary to insure that the law enforcement facilities mitigation fee is a fair and equitable method of distributing the costs of the law enforcement facilities necessary to accommodate the law enforcement needs generated by the development of land in the unincorporated areas of north Los Angeles County.

22.74.050 Applicability.

A. The provisions of this chapter shall apply to new development projects which, as of the effective date of the ordinance codified in this chapter, are yet to receive final discretionary approval and/or the issuance of a building permit or other development right. The fees provided in this chapter shall also be imposed upon a previously improved lot or parcel when a building permit is issued to add one thousand (1,000) square feet, or more, to an existing building unit upon such lot or parcel.

B. No tract map, parcel map, conditional use permit, building permit, other land use permit, or other entitlement for a new development project as defined in this chapter shall be approved unless payment of the law enforcement facilities mitigation fee is made a condition of approval for any such entitlement.

C. Additionally, the fees provided for in this chapter shall be imposed upon a parcel which has been previously improved with a building unit whenever a building permit is issued for a new building unit on an adjoining parcel under common ownership and which new unit constitutes, in effect, an addition of one thousand (1,000) square feet, or more, when constructed, or an expansion of use of the previously improved parcel. Such fee shall be calculated upon the total square footage of new construction and paid by every person, or entity to whom a building permit is issued therefor.

22.74.060 Time of payment of fee.

A. No building or similar permit for any new development project as defined in this chapter shall be issued until the applicant has paid the applicable law enforcement facilities mitigation fee to the county sheriff. In the event that an applicant desires to proceed only with development of a portion of the development project, the applicant may obtain building permits for that portion of the project after paying a proportional share of the total law enforcement facilities mitigation fee for the project to the satisfaction of the county sheriff.

B. Notwithstanding the provisions of subsection A, above, payment of the law enforcement facilities mitigation fee for a single-family or multi-family development project shall not be required prior to the date of the final inspection or the date the certificate of occupancy is issued for the first unit in the development, whichever occurs first, unless the county has previously adopted a capital improvement plan or proposed construction schedule and has established an account and appropriated funds for the law enforcement facilities to be financed by the fee, or unless the fee is intended to reimburse the county for expenditures already made. Additionally, notwithstanding the provisions of subsection A, above, payment of the law enforcement facilities mitigation fee for projects for occupancy by lower income households meeting the criteria set forth in Government Code section 66007(b)(2)(A) shall not be required prior to the date of the final inspection or the date the certificate of occupancy is issued for the first unit in the development, whichever occurs first. Where payment of the fees may only be collected on the date of final inspection or the date the certificate of occupancy is issued as provided in this subsection, execution of an agreement to pay the required fee or applicable portion thereof within the time specified herein shall be a condition of issuance of the applicable building or similar permit. Such agreement shall constitute a lien for the payment of the fee and shall be enforceable as provided in Government Code section 66007.

22.74.070 Exemptions from fee.

The following shall be exempt from the provisions of this chapter:

A. Notwithstanding the provisions of subsection A of Section 22.74.050, additions to residential structures that are less than two thousand (2,000) square feet in size shall not be subject to the fees otherwise required by this chapter.

B. No fee imposed by this ordinance shall be imposed upon the issuance of building permit for the restoration of existing buildings, or buildings damaged by fire, or natural disasters such as earthquake, wind, or flood, where the replaced building, or portion thereof, does not exceed the original gross floor area. For purposes of this section, "gross floor area" shall be determined by the director of public works, or his designee and excludes accessory structures such as decks, patios, barns, sheds, and kiosks.

22.74.080 Deposit and use of fees collected.

All law enforcement facilities mitigation fees received by the county shall be deposited in a special law enforcement capital facilities fund and expended solely for the purposes for which the fee was collected. A separate law enforcement capital facilities fund account shall be established for each of the three law enforcement facilities fee zones. All funds from the imposition of fees provided herein shall be deposited into such accounts to be used exclusively for the purpose of land acquisition, engineering, construction, installation, purchasing, or any other direct cost of providing law enforcement facilities as defined in subsection E of Section 22.74.020, and for no other purpose. All interest income earned shall be credited to each account, and shall be used solely for the purposes for which the fee was collected.

22.74.090**Consideration in lieu of fee.**

A. The county sheriff may accept substitute consideration in lieu of the law enforcement facilities mitigation fee required pursuant to this chapter, provided the county sheriff finds that the proposed substitute consideration:

1. Has a value equal to or greater than the applicable law enforcement facilities mitigation fee otherwise due;
2. Is in a form acceptable to the county sheriff; and
3. Is within the scope of the applicable law enforcement facilities project.

B. The county sheriff may accept substitute consideration in lieu of a portion of the law enforcement facilities mitigation fee required pursuant to this chapter where he, or she finds that the substitute consideration proposed is less than the value of the required fee but is in a form acceptable to the county sheriff and is within the scope of the applicable law enforcement facilities project. Such substitute consideration may be accepted by the county sheriff only after payment of an amount equal to the difference between the value of the substitute consideration, as solely determined by the county sheriff, and the amount of the otherwise required fee.

22.74.100**Reimbursement.**

The provisions of Section 22.74.090 shall not prevent the execution of a reimbursement agreement between the county and a developer for that portion of the cost of law enforcement facilities paid by the developer which exceeds the need for the law enforcement facilities attributable to and reasonably related to the development.

22.74.110 Alternative method.

This chapter is intended to establish an alternative method for the financing of public law enforcement facilities, the need for which is generated directly, or indirectly by new development projects. The provisions of this chapter shall not be construed to limit the power of the county to utilize any other method for accomplishing this purpose, but shall be in addition to any other fees, or requirements which the board of supervisors is authorized to impose as a condition to approving new development pursuant to state and local laws.

SECTION 3. Pursuant to Government Code section 66017(a) this ordinance shall become effective sixty (60) days after adoption.

[2274TSCC]

SECTION 4. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of June 24, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Gloria Molina
Zev Yaroslavsky
Michael D. Antonovich
Yvonne B. Burke

Noes

Supervisors None

Effective Date: August 23, 2008

Operative Date: _____

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel